

Application No.: 10/567,002
Filing Date: January 31, 2006

REMARKS

Upon entry of the foregoing amendments, Claims 1, 3-5, and 9 will be pending. Applicants have cancelled Claims 7, 8, 10-13, 16, and 18-21 without disclaimer of, or prejudice to, the subject matter contained therein. Applicants maintain that the cancellation of a claim makes no admission as to its patentability, and reserve the right to pursue the subject matter of the cancelled claim in this or any other patent application.

In the final Office Action mailed August 14, 2009, the Examiner indicated that Claims 1, 3-5, and 9 and claims that depend therefrom were allowable.

Rejection Under 35 U.S.C. § 102(a)

The Examiner maintained the rejection of Claim 18 as allegedly being anticipated under 35 U.S.C. § 102(a) over PCT Application No. WO 03/012406 to Parunak et al.

Applicants respectfully disagree. While not acquiescing to the Examiner's rejection, and solely in the interest of advancing prosecution of the instant case, Applicants have cancelled Claim 18, without prejudice or disclaimer. Applicants reserve the right to pursue claims directed to the canceled subject matter in continuation application. Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(a).

Rejection Under 35 U.S.C. § 103(a)

The Examiner rejected Claims 7, 8, 10-13, 16, and 19-21 as allegedly being unpatentably obvious under 35 U.S.C. § 103(a) over PCT Application No. WO 03/012406 to Parunak et al.

Applicants respectfully disagree. While not acquiescing to the Examiner's rejection, and solely in the interest of advancing prosecution of the instant case, Applicants have cancelled Claims 7, 8, 10-13, 16, and 19-21, without prejudice to or disclaimer of the subject matter contained therein. Applicants reserve the right to pursue claims directed to the canceled subject matter in continuation application. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a).

Application No.: 10/567,002
Filing Date: January 31, 2006

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

The undersigned has made a good faith effort to respond to the Office Action. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is invited to call the undersigned attorney to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 14, 2010

By: Kathleen R. Mekjian
Kathleen R. Mekjian
Registration No. 61,399
Attorney of Record
Customer No. 20,995
(619) 235-8550

8359115
011110